

FILED
OCT 27 P 1:17
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No.: 04-10497-NMG

DAVID DEITZEL

Plaintiff,

vs.

BOSTON AND MAINE CORPORATION and
GUILFORD TRANSPORTATION
INDUSTRIES, INC.

Defendants.

STIPULATION OF DISMISSAL

All parties to the above entitled action, pursuant to the provisions of Fed. R. Civ. P. 41(a)(1)(ii), hereby stipulate that said action, including any and all counterclaims, be dismissed without prejudice and without costs or expenses including attorney's fees. The parties also stipulate that the defendants waive the defenses of statute of limitations and laches with respect to either defendant in this cause of action.

The plaintiff,
David Deitzel,
By his attorney,

Samuel J. Rosenthal, Esq.
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The defendants,
Boston & Maine Corporation and Guilford
Transportation Industries, Inc.
By their attorney,

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